



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,110	07/12/2005	Toni Paila	4208-4233	7098

27123 7590 08/17/2007
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

MANDADI, YESHOROCHAN K

ART UNIT	PAPER NUMBER
----------	--------------

2609

MAIL DATE	DELIVERY MODE
-----------	---------------

08/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,110

Applicant(s)

PAILA ET AL.

Examiner

Yeshorohan K. Mandadi

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ~ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/11/2005</u> ~ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5, 7-16 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bell et al (US 7,181,526)**.

Regarding **claim 1, 7, 9, 13 and 19**, Bell teaches a method, a information service broadcaster, a receiver, and a user interface of operating multicast apparatus

controlling the apparatus to multicast, in respect of one or more announcements on a lower level (sub sessions) and relating to a category of an information service, data indicating a category to which the announcements relate (multimedia conference), and data indicating the quantity of announcement information (list of media modules) transmitted in respect of the lower level. **[Figure 3; Figure 4, 420 – 430; Bell: Column 6, Lines 53 – 63; Column 10, Lines 19 – 32]**

Bell, further teaches a display module arranged to display a number of category options, which options are selectable by a user, the number of

category options being dependent at least in part on the quantity data

[Bell: Column 2, Lines 10 – 18; Column 9, Lines 61 – 65]

Regarding claims 2, 8, 10 and 14, Bell further teaches the method, the information service broadcaster, and the receiver, as claimed in claims 1, 7, 9 and 13, in which the data is multicast in respect of one or more announcements on an immediately lower level (sub modules). **[Figure 1, 110; Figure 4, 420-430; Bell: Column 5, Lines 39 – 44, Column 6, Lines 61 – 63; Column 7, Lines 1 – 6; Column 9, Lines 43 – 47]**

Regarding claims 3, 11 and 15, Bell further teaches the method and the receiver, as claimed in claims 1, 9 and 13 further comprising controlling the apparatus to multicast information identifying a location of access of the lower level (sub modules) announcement information.

[Figure 6, 600 – 645; Bell: Column 8, Lines 65 – 67; Column 9, Lines 1 – 5; Column 10, Lines 6 – 11]

Regarding claim 4, Bell further teaches the method as claimed in claim 1, further comprising controlling the apparatus to multicast information identifying a timeout value (timing format details). **[Figure 4, 424; Bell: Column 1, Lines 24 – 31; Column 7, Lines 17 – 24]**

Regarding claim 5, Bell further teaches the method as claimed in claim 1, further comprising controlling the apparatus to multicast information identifying a transport format of the lower level announcements. **[Bell: Column 7, Lines 35 – 48]**

Regarding claims 12 and 16, Bell further teaches the method and the receiver as claimed in claims 9 and 13, further comprising receiving in connection with the higher level announcement information indicating a timeout value (timing format details), and controlling the receiver to cease receiving announcement data for a period of time (scheduled stream time) dependent the timeout value, and to subsequently resume receiving announcement data. **[Figure 6, 650 – 700; Bell: Column 7, Lines 17 – 24; Column 10, Lines 48 – 54, Lines 59 – 67; Column 11, Lines 5 – 11, Lines 23 – 25]**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 6 and 18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bell et al (US 7,181,526)** in view of **Trans (PG Pub US 2001/0038674)**.

Regarding **Claims 6 and 18**, Bell teaches the method and the receiver as claimed in claims 1 and 13, wherein the multicast is an Internet Protocol datacast transmission. **[Bell: Column 13, Lines 44 – 50]**

However, Bell does not teach that the transmission is conducted using a time-slicing method.

In related prior art, Trans specifically discloses the use of time-slicing for sending and receiving in relation to wireless network nodes. **[Trans: P545, Lines 13 – 17]**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bell to include time-slicing transmission of Trans in order to increase the throughput of data.

6. **Claim 17**, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bell et al (US 7,181,526)** in view of **Zavrel (US 5,812,930)**.

Regarding **claim 17**, Bell teaches the receiver as claimed in claim 13.

However, Bell does not teach that the receiver is a portable, battery-powered receiver.

In related prior art, Zavrel specifically discloses the use of a portable battery-powered receiver. **[Zavrel: Column 5, Lines 21 – 24]**

Art Unit: 2609

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bell to include a portable battery powered receiver of Zavrel in order to give the user portability.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Raith (US 5,818,829)

Feisullin (US 5,828,946)

8. Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to:**

Commissioner for Patents ,
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yeshorohan K. Mandadi whose telephone number is (571) 270-1658. The examiner can normally be reached on M-T(8am-5pm) EST.


Art Unit: 2609

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272 - 7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yeshorohan Mandadi
AU 2609



BENNY Q. TIEU
SPE/TRAINER